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EXAMINER	
DENNISON, JERRY B	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/868,819	OLKKONEN ET AL.	
	Examiner	Art Unit	
	J. Bret Dennison	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10 and 12-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10 and 12-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 09/868,819 received on 6/26/2008.

2. Claims 1, 3-10, and 12-27 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10, 12-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 includes the limitation, "wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving circuit switched network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner." Independent claims 10, 14, 16-19 and 27 include limitations that are substantially similar to this limitation and the following issues apply to these claims as well.

5. It is unclear to Examiner how a header is provided with the indication. The preceding states, "determining...an indication". If the indication is determined, how is the header provided with the indication?

6. In the "determining" limitation, it is positively recited that the IP protocol datagram includes "circuit switched channel identifying parameters which identify at least one channel." Then in the "wherein" limitation, there is a case where the IP protocol datagram may lack carrying the corresponding channel. It is unclear to Examiner how this case where the datagram lacks the channel identifier ever occurs if the preceding limitation positively recites that the datagram comprises the channel identifier.

7. It is unclear to Examiner how the occurrence of the datagram lacking the channel indication enables the receiving node to receive data to that channel from other sources. For instance, if there is no indication of any channel in the datagram, how does this enable the node to receive data on some specific channel that wasn't even identified?

8. It is unclear to Examiner what is meant by "indicative separately for each time slot of at least one of said network nodes". It is unclear to Examiner what a time slot of a network node means. Does this mean that each node or all nodes have a particular time slot? It is also unclear as to what is "indicated separately" for each time slot, or how the one header indicates separately for each time slot of at least one of said network nodes.

9. Regarding the limitation, "on whether the IP protocol datagram carries the corresponding channel", it is unclear to Examiner how the IP protocol datagram can carry a channel.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 10, 12, 13, 17, 18, and 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10, 17-18 and 27 include a "network element" comprising an "IP address generating unit". Applicant's specification states that the address generating unit may be realized using software programs (see Applicant's Specification, page 13, lines 25-27). Claims 10, 17,18 and 27 do not recite any structure for the "network element". As such, it appears that the network element only comprises software and therefore the claims may be limited to strictly software (i.e. computer program).

Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things". They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

M.P.E.P. 2601.1 Section I states, "Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material."

Claims 10, 12, 13, 17, 18, and 27 do not provide the computer-readable medium needed to realize the program's functionality. As such, claims 10, 12, 13, 17, and 18 are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1, 3-10, and 12-21, 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkes et al. (U.S. 6,438,124).

12. Regarding claim 1, Wilkes disclosed a method for transmission of data over a data transmission network, for establishing a datagram transference from a first circuit switched transmission line that has at least a first circuit switched network node (Wilkes, Figs. 2 and 10, elements 30, 31, and 32) and a second circuit switched transmission

line that has at least a second circuit switched network node (Wilkes, Figs. 2 and 10, elements 34, 31, and 38), comprising:

employing, in the data transmission network, an IP protocol from said first network node receiving data from said first circuit switched transmission line to said second network node transmitting data into said second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets); and

determining, in accordance with a predefined rule, an indication of a destination address of an IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line and an IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4);

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

13. Claims 10 and 27 include a network element with limitations that are substantially similar to the limitations of claim 1. Wilkes disclosed a network element as claimed

(Wilkes, Fig. 2, 32, 34). Claim 27 further includes the network element configured to insert a number of samples from said at least one channel of a transmission line into a payload portion of a data packet. Wilkes clearly disclosed this by transmitting the call over the IP network. Such a transmission would require inserting samples from the channel into the payload portions of packets.

14. As such, claims 10 and 27 are rejected under the same rationale.

15. Regarding claim 3, Wilkes disclosed the limitations as described in claim 1. Wilkes did not explicitly state wherein the IP protocol is an X.25 protocol. Official notice is taken that X.25 was a well known standard protocol, designed to accommodate communications over public data networks. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute one network protocol with another such as IP with X.25 to expand the functionality as provided by Wilkes. In doing so, the system would be designed in a way to enable the use of multiple protocols without having to redesign the system, thereby keeping costs of designing low while expanding the system's utility. See FOLDOC, definition of "X.25."

16. Regarding claim 4, Wilkes disclosed the limitations as described in claim 1, including wherein data from at least one channel of the first circuit switched transmission line is transmitted as compressed data over the data transmission network (Wilkes, col. 7, lines 60-65).

17. Regarding claims 5 and 12, Wilkes disclosed the limitations as described in claims 4 and 10. Wilkes disclosed decompressing the transmitted data and executing digital to analog conversion (Wilkes, col. 8, lines 1-7). Wilkes also disclosed the purpose for compression is to meet the requirements of real-time conversation speeds. Wilkes did note explicitly state wherein only compressed speech signal parameters of a signal received from said at least one channel of the first circuit switched transmission line are transmitted over the data transmission network; wherein said received signal comprises an uncompressed speech signal part and compressed speech parameters. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress portions of each data packet to meet the requirements of real time conversion speeds.

18. Regarding claim 6, Wilkes disclosed the limitations as described in claim 4, including wherein the received signal of said at least one channel of the first circuit switched transmission line is compressed in the first network mode (Wilkes, col. 7, lines 60-65).

19. Regarding claim 7, Wilkes disclosed the limitations as described in claim 4, including wherein compressed speech parameters received from the first network node are decompressed into an uncompressed speech signal before transmission into the second circuit switched transmission line (Wilkes, col. 8, lines 1-7).

20. Regarding claim 8, Wilkes disclosed the limitations as described in claim 1, including wherein samples of data from more than one channel of the first circuit switched transmission line over the data transmission network in one IP protocol datagram (Wilkes, col. 8, lines 21-25).

21. Regarding claim 9, Wilkes disclosed the limitations as described in claim 1. Wilkes did not explicitly state transmitting a message which describes supported coding modes for compressed speech parameters from the first network node to the second network node and describing said supported coding modes in said transmitted message in an order of preference for optimizing speech data transmission. However it would have been obvious to one of ordinary skill in the art at the time the invention was made to include communication control messages between the VoiceEngines of Wilkes in order for the VoiceEngines to be on the same page and follows the same protocols and parameters in order to successfully communicate the voice data that both ends can properly interpret, for the benefit of reducing the amount of errors in transmission.

22. Regarding claim 13, Wilkes disclosed the limitations as described in claim 10, including wherein the network element comprises a compression unit for compressing a signal of at least one channel of the circuit switched transmission line before transmission over the data transmission network (Wilkes, col. 7, lines 60-67).

23. Regarding claim 14, Wilkes disclosed a method for transmission of data over a data transmission network, comprising:

employing, in the data transmission network, an IP protocol from a first network node receiving data from a first circuit switched transmission line to a second network node transmitting data into a second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets);

determining, in accordance with a predefined rule, a destination address of an IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line and an IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4); and

inserting status information into the datagram (Wilkes, col. 6, lines 59-67).

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

24. Claim 17 includes a network element with limitations that are substantially similar to the limitations of claim 1. Wilkes disclosed a network element as claimed (Wilkes, Fig. 2, 32, 34).

25. As such, claims 17 are rejected under the same rationale.

26. Regarding claim 15, Wilkes disclosed the limitations of claim 14. Wilkes did not explicitly state wherein said status information comprises at least an indicator to indicate activity of the at least one channel, a length of samples of the at least one channel and whether channel information definition is comprised in the datagram. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include control parameters to indicate status information such as the activity of the channel, length of the samples and whether the channel information is comprised in the datagram in order to notify the receiving end of how to handle the content of the datagram. Such status information is crucial in successfully transmitting the voice data in real time, for example, the length of a sample provides information necessary for the receiving end to determine sequencing information for the voice data in the stream.

27. Regarding claim 16, Wilkes disclosed a method for transmission of data over a data transmission network, comprising:

employing in the data transmission network, a IP protocol from a first network node receiving data from a first circuit switched transmission line to a second network

node transmitting data into a second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets);

determining, in accordance with a predefined rule, a destination address of a IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuits witched transmission line and a IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4); and

determining an IP address based on a time slot number having data which is transferred in the datagram (Wilkes, col. 6, lines 38-48):

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8, lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the

IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

28. Claim 18 includes a network element with limitations that are substantially similar to the limitations of claim 1. Wilkes disclosed a network element as claimed (Wilkes, Fig. 2, 32, 34).

29. As such, claims 18 are rejected under the same rationale.

30. Regarding claim 19, Wilkes disclosed a method for transmission of data over a data transmission network, comprising:

employing, in the data transmission network, a IP protocol from a first network node receiving data from a first circuit switched transmission line to a second network node transmitting data into a second circuit switched transmission line (Wilkes, Fig. 10, Internet 16; col. 3, lines 49-50, transmitting TCP/IP packets);

determining, in accordance with a predefined rule, a destination address of a IP protocol datagram comprising data received from the first circuit switched transmission line for transmission to the second network node based on circuit switched channel identifying parameters which identify at least one channel in the second circuit switched transmission line and a IP protocol address of the second network node (Wilkes, col. 3, line 59 through col. 4, line 4);

inserting a number of samples from said at least one channel of a transmission line into a payload portion of a data packet (Wilkes, col. 7, lines 53-65); and

indicating a destination transmission line and a channel within the transmission line in a destination packet address (Wilkes, col. 6, lines 38-47; col. 7, line 65 through col. 8, line 5);

Wilkes disclosed the VoiceEngine acts as a multiplexer for simultaneously sending a signal to a plurality of VoiceEngines from a single VoiceEngine as well as for simultaneously receiving a signal from a plurality of VoiceEngines at a single VoiceEngine (Wilkes, Fig. 9A and 9B). Wilkes also disclosed the VoiceEngines are also capable of multiplexing many voice connections on a single Internet connection (col. 8,

lines 22-25). Wilkes also disclosed the VoiceEngines preparing the data for transmission via the Internet by creating discrete packets which are routed to the complementary VoiceEngine, and the complementary VoiceEngine reconstructs the message (Wilkes, col. 7, line 60 through col. 8, line 2).

Wilkes did not explicitly state wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the

packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

31. Regarding claim 20, Wilkes disclosed the limitations as described in claim 1, including transmitting the number of time slots in the corresponding frame (Wilkes, col. 8, lines 22-25).

32. Regarding claim 21, Wilkes disclosed the limitations as described in claim 1, including receiving data of different time slots of a single PCM trunk line from different packet network gateways (Wilkes, Fig. 9B, 32).

33. Regarding claim 23, Wilkes disclosed the limitations as described in claim 4, including wherein a third packet network gateway is arranged to send data to the second packet network gateway and to use headers of transmitted IP protocol datagrams to identify the rest of the time slots of the same PCM trunk line as destinations of data transmitted from said third packet network gateway to said second packet network gateway (Wilkes, col. 9A, 32).

34. Regarding claim 24, Wilkes disclosed the limitations as described in claim 1, including wherein the destination packet network gateway acts as said second circuit switched network node and receives data destined to a group of channels in the second

circuit switched transmission line from another packet network gateway (Wilkes, col. 8, lines 22-26).

35. Regarding claim 25, Wilkes disclosed the limitations as described in claim 1, including wherein said second circuit switched network node receives data destined to individual channels in the second circuit switched transmission line separately from one or more other sources, such as IP telephones (Wilkes, col. 9, lines 56-67).

36. Regarding claim 26, Wilkes disclosed the limitations as described in claim 1, including wherein said determining is based on circuit switched channel identifying parameters in the header (Wilkes, col. 3, line 60 through col. 4, line 5; col. 9, lines 56-67).

37. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkes in view of Rose (U.S. 6,449,278).

38. Regarding claim 22, Wilkes disclosed the limitations as described in claim 1. Wilkes did not explicitly state wherein a first packet network gateway acts as said first circuit switched network node and sends data to a second packet network gateway that acts as said second circuit switched network node, and said first packet network gateway uses headers of transmitted IP protocol datagrams to identify time slots 5 to 10 of a PCM trunk line operating at least at the rate 2048 kbit/s as destinations of transmitted data at said second packet network gateway.

In an analogous art, Rose disclosed an exchange for communication between distributed nodes for processing calls in which, normally, the signaling data link for time-slots is 2048 kbit/s PCM system (col. 2, lines 24-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wilkes and Rose to obtain the predictable results of transmitting data to time slots at the normal rate of 2048 kbit/s.

Response to Amendment

Applicant's arguments and amendments filed on 6/26/2008 have been carefully considered but they are not deemed fully persuasive

Applicant's arguments have raised issues with respect to the independent claims, as shown in the above new 112 rejections. Applicant is respectfully requested to clarify these issues in the response to this action.

Applicant asserts that the prior art did not disclose the hybrid functionality to occur in a manner that is transparent by the user.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transparency to the user) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant asserts, "Wilkes fails to teach or suggest having channels in the circuit switched telephone line extension."

Examiner respectfully disagrees.

As shown in Fig. 2, Wilkes disclosed Voice Engine 34 communicating with a PSTN network 31, which clearly must include channels in the circuit switched lines.

Applicant asserts, "Wilkes fails to teach or suggest how to determine destination addresses of IP protocol datagrams or any channel parameters or circuit switched channel identifying parameters."

Examiner respectfully disagrees.

As indicated in the above rejection, it would have been obvious to one of ordinary skill in the art at the time the invention was made that each packet sent by the VoiceEngine contains a header including a determined destination address that identifies which voice connection the packet belongs. Otherwise, the multiplexing of the packets from the multiple voice connections would result in packets being incorrectly used in reconstructing each message for transmitting to the receiving end, resulting in mixed streams which do not make any sense. It is well known in the art for the header of a packet in a data stream to include sequencing information as well as other control information.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include within each packet header, time slot and sequencing information in order for the receiving end to successfully be able to determine which stream the packet belongs, as well as what piece of the voice data the packet corresponds to, in order for the stream to successfully be transmitted and understood at the receiving end.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. Bret Dennison/
Examiner, Art Unit 2143